

Deposition Designations for:

**JOHN B. LYLE
February 3, 1998**

Deposition Designation Key

**Arrowood = Arrowood Indem. Co.
f/k/a Royal Indem. Co. (Light Green)**

BNSF = BNSF Railway Co. (Pink)

Certain Plan Objectors "CPO" = Government Employees Insurance Co.; Republic Insurance Co. n/k/a Starr Indemnity and Liability Co.; OneBeacon America Insurance Co.; Seaton Insurance Co.; Fireman's Fund Insurance Co.; Allianz S.p.A. f/k/a Riunione Adriatica Di Sicurtà; and Allianz SE f/k/a Allianz Aktiengesellschaft; Maryland Casualty Co.; Zurich Insurance Co.; and Zurich International (Bermuda) Ltd.; Continental Casualty Co. and Continental Insurance Co. and related subsidiaries and affiliates; Federal Insurance Co.; and AXA Belgium as successor to Royal Belge SA (Orange)

CNA = Continental Cas. Co & Continental Ins. Co. (Red)

FFIC = Fireman Funds Ins. Co. (Green)

FFIC SC = Fireman Funds Ins. Co. "Surety Claims" (Green)

GR = Government Employees Ins. Co.; Republic Ins. Co. n/k/a Starr Indemnity and Liability Co.

Libby = Libby Claimants (Black)

OBS = OneBeacon America Ins. Co. and Seaton Ins. Co. (Brown)

PP = Plan Proponents (Blue)

Montana = State of Montana (Magenta)

Travelers = Travelers Cas. and Surety Cos. (Purple)

UCC & BLG = Unsecured Creditors' Committee & Bank Lenders Group (Lavender)

AFNE = Assume Fact Not in Evidence

AO = Attorney Objection

BE = Best Evidence

Cum. = Cumulative

Ctr = Counter Designation

Ctr-Ctr = Counter-Counter

ET = Expert Testimony

F = Foundation

408 = Violation of FRE 408

H = Hearsay

IH - Incomplete Hypothetical

L = Leading

LA = Legal Argument

LC = Legal Conclusion

LPK - Lacks Personal Knowledge

LO = Seeking Legal Opinion

NT = Not Testimony

Obj: = Objection

R = Relevance

S = Speculative

UP = Unfairly Prejudicial under Rule 403

V = Vague

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1 IN THE DISTRICT COURT OF THE NINETEENTH
2 JUDICIAL DISTRICT FOR THE STATE OF MONTANA

3 IN AND FOR THE COUNTY OF LINCOLN

4 CAUSE NO. DV-95-29

5 JOHN B. LYLE and)
6 GLEND A. LYLE,)
7 Plaintiffs,)
8 vs)
9 W.R. GRACE & COMPANY, a)
10 Connecticut corporation,)
11 EARL D. LOVICK, MICHAEL RAY,)
12 and JOHN DOES I through IV,)
13 Defendants.)
14)

15 D E P O S I T I O N

16 OF

17 JOHN B. LYLE

18 (On Behalf of Defendants)

19

20 Taken at the Lincoln County Courthouse
21 512 California Avenue
22 Libby, Montana
23 Tuesday, February 3, 1998
24 9:45 a.m.

25

26 Reported by Jolene Asa, RPR, and Notary Public
27 for the State of Montana, Flathead County.

HEDMAN, ASA & GILMAN REPORTING - 752-5751/752-3334
P.O. BOX 394 -- KALISPELL, MONTANA

1 Q Any other doctors?

2 A No.

3 Libby [] Q Okay. Now let's talk about asbestos a
4 little bit. You started working out at W.R. Grace
5 in 1967, I think is what the records indicate. Does
6 that sound about right?

7 A Yes, sir.

8 Q Before that time, however, you had worked
9 at a number of different jobs and different
10 locations. If I recall the records, you had worked
11 in Oklahoma and Kansas and down in St. Regis and
12 different places. Is that accurate?

13 A Yes.

14 Q Tell me about your work history before you
15 came to be at Grace. Let's start with your first
16 job, which I understand would have been probably
17 when you were about 16.

18 A Yes, sir.

19 Q If I recall your records, you discontinued
20 high school in the tenth grade?

21 A Yes, sir.

22 Q And was that at Troy?

23 A Yes, sir.

24 Q And did you quit school in order to go to
25 work at that time?

1 A No. I was doing everything.
2 Q And how long did you do that?
3 A Probably a year, three months, something
4 like that.
5 Q Then what? What did you do next?
6 A Went into the garage, bid on a job in the
7 garage and went mechanicking.
8 Q Did your brother tell you about that
9 position coming up?
10 A No, sir. They come up for bid.
11 Q So everybody in the company was aware of
12 it?
13 A Aware --
14 Q Of an opening that you could bid on? Is
15 that what you said?
16 A Yes.
17 Q And is that where you pretty much stayed?
18 A Yes, sir.
19 Q Did you always work pretty much in the
20 same location?
21 A Not really.
22 Q Could you tell me about your career as a
23 mechanic there at W.R. Grace, where you worked, what
24 you did?
25 A I worked in the garage when I first

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P.O. BOX 394 -- KALISPELL, MONTANA

Libby

1 started probably two years as a service mechanic,
2 and then a shovel mechanic job come open. I bid on
3 that, and I got that, and then I worked up in the
4 mine. In the mine I worked on the shovels. They
5 had three of them Bucyrus-Erie. I worked on the
6 drills up there. It just got -- It was so cold up
7 there that I bid back in the garage.

8 Q About when was that?

9 A And they got rid of the shovels, and I
10 went back in the garage.

11 Q When was that?

12 A I think '76 they got rid of that last
13 shovel.

14 Q So you went back in the garage after that?

15 A Yes, sir.

16 Q Now, was that the same garage you had
17 worked in before?

18 A Yes, sir.

19 Q Now, when you "Garage" --

20 A I'll say shop.

21 Q Or shop, is this an enclosed building?

22 A Yes.

23 Q And was it a pretty large structure?

24 A Yes, it was.

25 Q Big enough to bring those huge trucks in

Libby

- 1 there and work on them?
- 2 A Yes, sir.
- 3 Q Were those called Euclids, or what are
- 4 they called?
- 5 A Euclids, yes.
- 6 Q Could they drive those in there?
- 7 A Yes.
- 8 Q About how many people worked in the
- 9 garage?
- 10 A Well, they run two shifts, days and swing,
- 11 so I'll say there was probably 15 -- 10 or 15 guys
- 12 on days and probably 10 on nights.
- 13 Q Okay. Did you have any particular
- 14 position or specialty that you did as a mechanic in
- 15 the garage?
- 16 A No.
- 17 Q In other words, you didn't work
- 18 exclusively on transmissions or exclusively on ..
- 19 brakes or one of those type of positions?
- 20 A Everybody done everything, from changing
- 21 oil to greasing.
- 22 Q So once you got back into the garage in
- 23 the '70s, late '70s, did you stay there, then, for
- 24 the rest of your time?
- 25 A Yes.

Libby

- 1 Q And then the mine closed, and you got
2 involved in some reclamation work?
- 3 A Yes.
- 4 Q And that was approximately when, 1990?
- 5 A Yes, sir. They closed down. Yes.
- 6 Q So did the garage remain open until 1990?
- 7 A Yes.
- 8 Q And you worked inside the garage until
9 then?
- 10 A Yes.
- 11 Q Where was the garage in physical
12 relationship to the mill?
- 13 A I'll probably say 150 yards from the dry
14 mill.
- 15 Q What was the dust condition?
- 16 A Very dusty.
- 17 Q Did it ever change?
- 18 A Not really, until they built the new mill.
- 19 Q Okay. I'm not familiar with all this
20 history. Could you kind of just give me a little
21 overview of what you mean when you say it was dusty
22 until they built the new mill? How long a period of
23 time are we talking about, or what do you mean by
24 "Dusty"?
- 25 A I went to work there in '67. They built

Libby

1 the new mill in '74, '73 or '74, and the old dry
2 mill was running during this time, and I'm pretty
3 sure that it still run after the new mill was built
4 for a little while there. I don't recall when they
5 shut it down.

6 Q But sometime in the mid-'70s, '74, '75 or
7 whenever it was, they shut the old mill down because
8 the new one took over? Is that what you're saying?

9 A Yes.

10 Q And do I understand that the new mill got
11 rid of a lot of the dust?

12 A Not really.

13 Q Is there any way that you could quantify
14 or help me understand or appreciate what you mean
15 when you say "Dusty"?

16 A Well, even after the new mill was built,
17 they had silos in there between the garage and the
18 mill, and whenever they were pulling ore out of
19 these silos, it had been in there, and it was dry,
20 and it just -- It was dusty through there.

21 Q Would that come into the garage?

22 A In the summertime we had all the doors
23 open. It wasn't a tight-sealed garage. I mean,
24 there was vent holes and air holes entered, and this
25 stuff would come in there, yes.

1 Q Would you do major overhaul work in the
2 garage?

3 A You mean on engines and stuff like that?

4 Q Yes. Right.

5 A I wouldn't, no.

6 Q But, I mean, it was done there in that
7 garage, wasn't it?

8 A In the early part.

9 Q Okay. I guess my point is obvious. If it
10 was too dusty, they couldn't have these engines all
11 laid open.

12 A Right.

13 Q So while you say it was dusty --

14 A They had a motor room that was off to the
15 back of the garage that they rebuilt the engines and
16 done the heads in, and it was a tightly sealed room
17 in there, but I never did work in there. I was
18 mostly heavy equipment.

19 Q So you were out in the garage itself?

20 A Out in the garage itself, and what we
21 couldn't work on in the garage, it was out in front
22 of the garage.

23 Q Is there anything else that you can tell
24 me to help me better appreciate the extent of the
25 dustiness that you're describing? I mean, would it

Libby

1 layer things over, or wasn't it that bad? Can you
2 give me some sense of what the amount of dust was?

3 A. Well, the smoke stack on the dry mill --
4 Not the smoke stack, but it was -- They had big fans
5 in there. There was supposed to be suction fans in
6 this dry mill, and the stack run up behind the
7 garage, and it had an elbow on it, and it was
8 supposed to be blowing out away from the buildings,
9 But there was a wind up there all the time, and it
10 blowed through it, and this -- The opening for these
11 fans that were going through this and the dust
12 coming out of it was probably a three-by-three
13 square that this dust blowed out of it, and it
14 blowed all down across the garage and the mine
15 office.

16 Q. And how long did that go on?

17 A. Until they shut that mill down.

18 Q. In the mid-'70s?

19 A. (Witness nodded head.) After they got
20 that new mill going.

21 Q. After the new mill got going; how did it
22 compare?

23 A. Well, a lot of times that mill -- The new
24 mill, they had to get the bugs worked out of it. I
25 mean, it didn't work properly, and a lot of times

Libby

1 they would go back and start that old mill up again
2 to run, maybe, for a couple, three days until they
3 got this new one ironed back out.

4 Q Was there anything that you can remember
5 during any of that time that amounted to complaints
6 by yourself or other mechanics or fellow workers
7 about the dustiness at that time?

8 A Yes. They complained about it.

9 Q Can you tell me what you remember about
10 that?

11 A The people I worked with? Is that what
12 you're asking?

13 Q Yes, sir.

14 A They would just make remarks that it was
15 dusty, and they would try and close the doors on the
16 garage. They had 20-by-20 garage doors, and they
17 wasn't -- Like I told you, they wasn't sealed
18 tightly. You could be laying underneath a rig, and
19 this dust would still be blowing underneath and
20 around the doors in from the wind that was catching
21 this stuff and blowing it through there. Some
22 nights I would go home in the evening time, and when
23 it got time for me to go to bed, I'd go in and take
24 a shower, and I would take my clothes off, and even
25 on my skin this stuff would be stuck to me. It was

Libby

1 that bad, where you're working on a rig and it would
2 go down your neck and down in your -- It was -- It
3 was bad.

4 Q Okay. Were there meetings or discussions
5 in the more formal sense between the workers and any
6 of the managers during that time about the
7 dustiness?

8 A No.

9 Q Okay. Did that situation change from
10 about the time the new mill went into operation in
11 the mid-'70s until the mine closed in 1990?

12 A It got a little better.

13 Q Can you tell me during that 15-year period
14 what the improvements were and when they occurred
15 and what you noticed?

16 A Well, sir, I want you to understand that
17 this stuff that laid up there -- The banks -- The
18 garage was built, and there was a bare bank behind
19 it, and the roads were just dirt roads, and they
20 might have -- It might have tried to straighten up
21 with that -- Pardon me. But with that new mill
22 running, but the traffic was so -- It was heavy in
23 front of the garage, and the main road from the --
24 When you come up on the hill, it was -- you come
25 right in and passed in front of the garage, and all

1 A Bob Graham, Don Riley.

2 Q Who else?

3 A Ronnie Halverson, Rudy Kaeding. A lot of
4 these guys -- not Rudy yet -- are deceased.

5 Q And so prior to your discovering that you
6 have some asbestos-related condition, you believe,
7 in 1993, you never had any conversation with either
8 fellow workers or management at Grace about the
9 risks of working around asbestos? Is that what
10 you're saying?

11 A That's what I'm saying.

12 Q Okay. Now, there was a period of time
13 when you first started at Grace where, initially,
14 you were doing, I think, construction and not
15 mechanic work for the first year or so?

16 A Yes, sir.

17 Q And during that year, did you work in
18 different locations at the mine?

19 A Yes, I did.

20 Q Could you kind of walk me through that
21 period of time, the different places you worked and
22 what you did and so on?

23 A I probably spent six months in the mill,
24 in the old dry mill, and we were repairing chutes,
25 and I was sweeping the floor. We would sweep the

Libby

1 dust from -- We'd start at the top floor in the
2 mill. I forget how many floors that old dry mill
3 was, but we would start at the top and sweep them
4 down through holes onto the next floor. Then if it
5 got too much -- We'd sweep it down to where it was
6 the closest belt, and then we would shovel it onto
7 the belt, which, in turn, would carry it out over
8 the waste dump, and that was very dusty, sir.

9 Q And you did that for several months
10 initially?

11 A I would do it off and on. I spent, like I
12 say, just roughly six months in that dry mill, but
13 it was off and on. When you worked on construction
14 when I first went there, if the sweeper went on
15 vacation, they pulled out of -- They called it the
16 labor pool. They pulled out of construction, and
17 you'd go in over there, and you got loaned out for
18 this week, and you done that man's job while he was
19 on vacation.

20 Q So you did some sweeping in addition to
21 construction work?

22 A Yes, I did.

23 Q What else did you do during that first
24 year?

25 A I would get loaned out up in the mine

Libby

1 department. I was the dump boss.

2 Q What does that mean?

3 A It's where you stand there, and this dump
4 is a long ways down, and when the Eucs back up
5 there, you stop them so they don't go over the dump.

6 Q Was that particularly dusty up there?

7 A Yes, it was.

8 Q What else did you do during that year?

9 A I worked in the -- They had -- From the
10 old transfer point, they had such a thing they
11 called it a raise, where the ore fell down through
12 this three-by-three box and went onto the main belt
13 and carried it to the mill. On weekends we would go
14 up there and weld these new bars back in this raise
15 because the ore, when it fell down through it, would
16 wear these bars out. We would weld them -- stand up
17 in this box, and there was usually two of us on a
18 weekend, and we would take turns welding these bars
19 back in this box, and that's what that -- This was
20 under the mill department too.

21 Q Was that dusty?

22 A Yes, it was, standing up in there. This
23 stuff is popping. When you're welding -- It's
24 laying on these bars, and you had to get up there
25 with a cutting torch and cut this stuff out. You've

Libby

1 got goggles on, and when you cut the bars out to
2 weld the new ones on, this stuff is popping all in
3 around you, and there's no way to escape it. It's
4 just making a dusty area in it.

5 Q Is there anything else you did during that
6 first year that you haven't told me about?

7 A I worked on the mill, mill maintenance. I
8 would do the same thing. I would -- If they needed
9 some help on mill maintenance -- They had crushers
10 up in the old dry mill that would crush big chunks
11 of ore, and they were big rollers that the ore fell
12 through, and these crushers would crush it. We had
13 to -- We would change these rollers, me and Jerry
14 Leadham, and what they would do -- There was maybe
15 two or three on this one floor, and while we shut
16 down to change the rollers on this one, these other
17 ones were rolling and crushing all the time. Plus
18 there was tables up there shaking, getting this
19 stuff -- It's just like sluice box gold mining. The
20 bigger stuff stays, and the rest goes, and it's this
21 type of thing. We would change these crushers out.
22 Sometimes it would take two or three days to change
23 these big rollers out.

24 Q So you were working in that mill area
25 doing that?

Libby

- 1 A Yes, sir.
- 2 Q Anything else you did during that first
- 3 year?
- 4 A I done quite a bit. I mean, we -- I
- 5 worked with Don Riley. He was the working foreman
- 6 at the time.
- 7 Q Did you wear respirators at all during
- 8 that first year?
- 9 A The supervisors didn't even wear them.
- 10 Q Did you smoke at that time in your life?
- 11 A Yes, I did.
- 12 Q So you would smoke wherever you were at?
- 13 A We would step out. I worked with Don
- 14 Riley in this -- on these big cyclone -- Off the
- 15 side of the mill, they've got some kind of a ceramic
- 16 tile stuff. It was an inch thick; and we had to go
- 17 down in this silo, and we would chip out all this --
- 18 the old ore and stuff, and we would take turns doing
- 19 this, and then we laid this ceramic tile around in
- 20 this silo. They were actually wear plates, but they
- 21 were a ceramic. I believe they got them from Japan,
- 22 but they -- They were kind of a wedge type, and they
- 23 just stood in there to keep the silo from wearing
- 24 out.
- 25 Q You would replace these tiles?

1 A We would -- It was a new thing. We put
2 them in. They were an experimental type of thing.

3 Q What held them in place?

4 A There was some sort of motor. I don't
5 recall what they shipped with it.

6 Q That wasn't particularly dusty when you
7 were putting that tile in there?

8 A Yes, it was, in there. We had to clean
9 all the old ore out of the inside of there, and we
10 would take turns off and on. We would spend maybe
11 an hour, individuals, going down in there and
12 chipping this out. The only thing we had for air
13 was where the ore run out the bottom, which is a
14 hole about this size, and the hole that we come down
15 through the top in, which is probably about this
16 size, and we would spend time in there. That was in
17 '67 that we done this, the time that I was on
18 construction.

19 Q Okay.. Have we pretty well talked about
20 everything that you did while you were employed at
21 Grace?

22 A Pretty much. Unless you wanted to say
23 something -- go over something about during the
24 reclamation of it, tear down.

25 Q What can you tell me about that?

Libby []

1 A That there were several dusty areas up
2 there during all this here, and the supervisors did
3 not care. They wanted to get it tore down the best
4 and the fastest way they could.

5 Q Was the reclamation done before you first
6 learned about the health risks associated with
7 asbestos in 1993, or were you still working there
8 when you discovered that?

9 A Sir, I heard about the health risk, like I
10 say, word by mouth, under the different employees.
11 There wasn't no supervisor that told us. If you did
12 ask any questions -- It was a nuisance dust, is what
13 they told us.

14 Q What I'm trying to get is a time line, and
15 my understanding is that, you first became fully
16 aware of the health risk in 1993, after you met with
17 Dr. Whitehouse?

18 A Yes.

19 Q Were you still working for Grace at that
20 time as part of the reclamation project?

21 A Yes.

22 Q Did you quit working for Grace at that
23 time?

24 A No, I did not.

25 Q In your complaint there are certain

1 allegations made about the way the reclamation was
2 handled. Do you feel that was handled improperly?

3 MR. SULLIVAN: I guess I would object
4 to the extent that it calls for a legal conclusion,
5 and it's obvious that the attorneys for the client
6 drafted the complaint and not the client himself.

7 BY MR. HOISTAD:

8 Q I'm asking for your own layman's
9 understanding of what your position is, sir.

10 A It could have been handled better.

11 Q Can you tell me what you're referring to
12 that you feel was done improperly as a worker
13 there?

14 MR. HOISTAD: You can have a standing
15 objection, Roger.

16 MR. SULLIVAN: Okay.

17 THE WITNESS: Like I say -- Let's
18 take the lower ore bins down at the river for an
19 example. Some of that ore in there was probably as
20 old as back in the late '40s, early '40s, and it
21 laid on that bottom, and we would -- When they got
22 ready to tear them down, we went in there with a
23 cutting torch. They were tin. We cut an
24 eight-by-eight hole in the side of that, right in
25 the bottom of it, and then they put me on a backhoe,

Libby

1 and I backed that backhoe up in there, and the ore
2 was stuck to the walls on the back side, and I was
3 taking that backhoe and raking, and they were still
4 shipping during these days, and there was a hole in
5 the bottom of that silo, and a belt run underneath
6 it, and I had to -- was knocking this down and
7 getting it through there so it would go through that
8 hole.

9 BY MR. HOISTAD:

10 Q What do you see is the problem with --

11 A Well, it was dusty doing it, sir.

12 Q Did you wear a respirator?

13 A I tried to, yes.

14 Q At what point in time are we talking
15 about?

16 A In '92.

17 Q What else that you remember about the
18 reclamation project that sticks out in your memory?

19 A Well, it's when they tore down -- When
20 they put these silos on the ground, we took -- had
21 to go up in the top. We put an I-beam through it
22 and took the loader, them 992 loaders, and pulled
23 them over. It was just -- When they hit the ground,
24 there was nowhere for us to go, because the river
25 was here, and the back of the ore bins was here, and

Libby

1 there was nowhere for us to go except stand there.
2 When they hit the ground -- That stuff had laid
3 there probably from the '30s, and when they hit the
4 ground, it was just like an atomic bomb going off.
5 It was just a big mushroom. It went up into the
6 air, and, of course, the office was right up behind
7 it.

8 Q Were you wearing a respirator that day?

9 A No. They wasn't available.

10 Q When was this now?

11 A This was in '90 -- from '90 to '93.

12 Q There were no respirators available?

13 A No, sir, there were not.

14 Q Did you ever ask for one?

15 A We did.

16 Q Who is "We"?

17 A The people I worked with. There were 20
18 of us left.

19 Q All right. So these are all examples,
20 you're telling me, of the way you feel Grace
21 mishandled the demolition and the reclamation of the
22 mine area while working there during those years?

23 A Yes.

24 Q There came a time, then, in 1993 where you
25 learned from Dr. Whitehouse that you might have an

Amwood
Obj:
L; F

1 Q When?

2 A He was there during -- He worked in the
3 mine department.

4 Q At what point in time are we talking
5 about?

6 A Probably from '90.

7 Q And you and Mr. Halverson had a
8 conversation about the dust?

9 A I'm not saying we had a conversation.

10 It's every -- Plumb back into the '80s the people
11 would just talk about -- Conversations. What is
12 this stuff coming down, you know? That was the
13 extent of it. You go on about your damn business.

14 Q Is there anything else that you can
15 remember that you can tell me specifically as far as
16 what somebody said at a specific time?

17 A No, there isn't.

18 Q Was there ever any discussion about
19 tremolite and any particular hazards associated with
20 tremolite?

21 A Yeah, there was.

22 Q When?

23 A Late '80s.

24 Q Who was involved?

25 A Kendra Lynn.

Libby

1 Q Anyone else?
2 A I never knew what tremolite was or what
3 she was even talking about. We were handed -- We
4 had these little machines that she would come along
5 and hang on your belt, and it was to measure fibers
6 in the air or some damn thing. I could never
7 understand what -- If you even asked about it, they
8 took a long way round about answering your
9 question. Why are you doing this? They took a long
10 way around about it, and then when they got done,
11 you didn't understand even what in the hell they
12 even said. They beat around the bush about it.
13 They didn't come right out and tell you that it was
14 hazardous to your health.

15 Q This was in the late '80s, you say?

16 A Late '80s, yes; but Bill McCaig, even,
17 would hold -- have meetings or be like a -- telling
18 us about -- We'd have a meeting about something.
19 Maybe somebody in the back of the room would get up
20 and say, What about the damn dust?

21 It won't hurt you. It's nuisance dust,
22 and carry on. If you're somebody asking about
23 why -- What can you tell us about this damn nuisance
24 dust? what I'm telling you is, he would go around
25 and then use some damn words that you didn't even

Arrowood
Obj:
H

Libby

1 understand.

2 Q This was in the late 1980s?

3 A In the late 1980s.

4 Q Do you remember anything more about those
5 meetings as to where they were or when or who was
6 there?

7 A We had them in the garage. We had them in
8 the new lunchroom.

9 Q Would they have been meetings scheduled to
10 discuss --

11 A No, it was not. Some guy would -- in the
12 back of the room would bring it up, and that was --
13 That's as far as it would go.

14 Q Okay.

15 A Earl Lovick has even said, It's nuisance
16 dust.

17 Q When do you remember him making that
18 statement to you?

19 A When we would -- Me and Rudy Kaeding
20 worked in the garage together. Earl Lovick -- We
21 would take this pulmonary test, and we would be in
22 the warehouse -- go over to the warehouse to get
23 parts. Earl Lovick would be in there, and we'd ask
24 him, How did that pulmonary test come out?

25 Same as last year.

Libby

- 1 Are you going to do anything about the
2 dust?
- 3 It won't hurt you. It's a nuisance dust.
- 4 Q About when would you --
- 5 A Probably '85, '86.
- 6 Q All right. Now, this is a tremolite
7 monitor or gauge you were describing?
- 8 A Yeah.
- 9 Q Tell me about that. How is it --
- 10 A They called it an air pump.
- 11 Q When was that?
- 12 A It was '86, '87, '88. Hell, I don't
13 recall, sir.
- 14 Q And you were asked to wear these?
- 15 A Yeah. On occasion. Whatever they wanted
16 to measure in that department.
- 17 Q Did you wear one yourself?
- 18 A I did.
- 19 Q And did you ask questions about it?
- 20 A Yeah. Why are we doing it?
- 21 It's to measure the fibers in this
22 department.
- 23 What more could you want? What more do
24 you ask?
- 25 Q You never asked for, Why do we need to

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1 downtown. I would like for you, if you could, to
2 get them to get me a doctor in Spokane. I know all
3 around it. So she called them, and they said there
4 would be no problem. They hooked me up with this
5 Dr. Bradley over in Spokane at the Rockwood Clinic.

6 So I went to him. He said, There's
7 nothing wrong with you. You don't have no problem,
8 no exposure.

9 Q In 1991?

10 A Or '92, somewhere along there, and they --
11 So I came back and went to work, and like I say, I
12 just kept wondering in my -- Because this doctor
13 over here never x-rayed me. He never gave me a
14 pulmonary test or nothing. He just went in there
15 with the stethoscope and checked me over and sent me
16 back to work, which I went back to work, and I
17 figured I better just carry this a little further,
18 find out why I'm having trouble here.

19 Q It wasn't based on anything that you had
20 heard from other workers or anything at Grace?

21 A No, it wasn't.

22 Q So what did you do, then; to carry --

23 A I went to Whitehouse.

24 Q How did you get his name?

25 A Through another employee.

Libby

1 Q So you did talk to other employees about
2 the risks of working there?

3 A This Rudy Kaeding. He had been to him.
4 He was having trouble, and he didn't know why.

5 Q So what happened? You just called up
6 Whitehouse and asked for an appointment?

7 A Yes, I did.

8 Q This wasn't set up through an attorney?

9 A No, sir, it sure was not.

10 Q Did Dr. Whitehouse put you in touch with
11 an attorney, then, after --

12 A No, sir, he did not.

13 Q After Dr. Whitehouse examined you, then,
14 did he sit down and give you some literature and
15 explain things for you, or where did you develop
16 your --

17 A I went in there and took his pulmonary
18 test and his x-rays. I went down and had a
19 conference with him, and he told me -- He said,
20 You've got asbestos exposure, and, basically, that's
21 what he's told me.

22 Q Okay. Did you tell him about the
23 examination you had just had a short while earlier
24 with --

25 A Yes, I did.

Arrowood
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